

State Of Maharashtra ... Respondent

Mr. Pankaj Deokar, APP, for the Respondent / State.

CORAM : ANIL S. KILOR, J.

DATE : 10TH OCTOBER, 2024.

1. Heard.
2. By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No.48 of 2024, registered with Karveer Police Station, Kolhapur for the offences punishable under Sections 302, 307, 120(B), 323, 504, 506 r/w 34 of the Indian Penal Code and Section 3/25 and 5/27 of the Indian Arms Act.
3. Having gone through the charge-sheet and the relevant material collected by the IO during the investigation, it is evident that the accused no. 1 is a person who fired a shot by pistol and due to which the deceased died. No doubt the applicant was present on the spot. However, the conduct of the applicant cannot be ignored that he

immediately went to the police station and reported the incident. There was no motive qua the applicant to eliminate the deceased, whereas, there was a motive for the accused no. 1.

4. The FIR was lodged after two hours of the incident and in the FIR it is alleged that the applicant instigated the accused no. 1 to kill the deceased. However, in absence of any motive qua the applicant it is doubtful that the applicant instigated the accused no. 1 to kill the deceased.

5. In the above referred backdrop, since the accused no. 1 is responsible for death of the deceased as he fired a shot from his pistol and since there is no overtact attributed to the applicant, I am of the opinion that as the charge-sheet has been filed, his further custody is not required. Accordingly, I pass the following order:

ORDER

- i) Criminal application is allowed;
- ii) It is directed that the applicant shall be released on bail in Crime No.48 of 2024, registered with Karveer Police Station, Kolhapur for the offences punishable under Sections 302, 307, 120(B), 323, 504, 506 r/w 34 of the Indian Penal Code and Section 3/25 and 5/27 of the Indian Arms Act., on furnishing P.R.Bond of Rupees Twenty-Five Thousand with one solvent surety in the like amount;
- iii) The applicant shall not enter into the territorial jurisdiction of police station Karveer, Dist: Kolhapur till the

conclusion of the trial;

iv) The applicant shall provide his address and name of the nearby police station to the IO, which he shall attend the said Police Station on 1st and 16th day of every month between 10.00a.m. to 11.00 a.m., till the conclusion of the trial except on the date of trial;

v) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also not tamper with the evidence;

vi) Liberty is granted to the State to apply for cancellation of bail if the applicant breaches any condition or commits any offence;

vii) The applicant shall attend the trial before the trial Court regularly on every date unless exemption is granted by the trial Court.

6. The application is disposed of .

(ANIL S. KILOR, J)